

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODNEY DEWAYNE MOORE,

Plaintiff,

v.

LIBRARY OF CONGRESS, et al.,

Defendants.

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No. 4:17 CV 2863 RWS

MEMORANDUM AND ORDER

Plaintiff, Rodney Dewayne Moore, seeks leave to proceed in forma pauperis in this civil action against the Library of Congress, United States Department of Labor, “United States Department of Post-Secondary Education,” Vatterott North Park Campus, and Ranken Technical College. After a review of plaintiff’s financial affidavit, the Court will grant plaintiff’s motion to proceed in forma pauperis. See 28 U.S.C. § 1915. However, for the reasons set forth below, the Court will dismiss his complaint as frivolous. See 28 U.S.C. § 1915(e)(2)(B).

Discussion

Under 28 U.S.C. § 1915(e), a Court must *sua sponte* dismiss an indigent plaintiff’s complaint or any portion thereof which (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. A complaint is frivolous if “it lacks an arguable basis either in law or in fact.” Neitzke v. Williams, 490 U.S. 319, 327 (1989). Dismissals on this ground should only be ordered when legal theories are “indisputably meritless,” or when the claims rely on factual allegations that are “clearly baseless.” Denton v. Hernandez, 504 U.S. 25, 31 (1992). “Clearly

baseless” factual allegations include those that are “fanciful,” “fantastic,” and “delusional.” Id. at 32-33 (quoting Neitzke, 490 U.S. at 325, 327).

From the complaint and supporting documents, plaintiff’s claims are clearly frivolous as they are fantastic and delusional. Plaintiff provides no factual basis whatsoever in support of his claims for patent infringement,¹ trademark infringement, copyright infringement and general “intellectual property right dilution.” His claims are patently absurd and unsupported by any colorable legal theory.² Thus, the Court finds that plaintiff’s complaint is frivolous and fails to state viable legal claims.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [Doc. No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint, because it is legally frivolous.

IT IS FURTHER ORDERED that plaintiff’s motion for appointment of counsel [Doc. No. 4] is **DENIED AS MOOT**.

A separate Order of Dismissal shall accompany this Memorandum and Order.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of March, 2018.

¹Plaintiff states, in a conclusory fashion that he has “created plenty of green jobs, brought modernized old goods and services, invented the barcode pricing system, and renewed the \$.01 penny through to the \$500 bill.” Plaintiff also states he has “engineered with design at least 40 power companies throughout Northern America’s state territories.” Plaintiff’s conclusory list of purported inventions continues throughout several pages of his complaint. His inventions additionally purportedly include large businesses, medical companies, and space engineering.

²Plaintiff admits in his complaint that he suffers from schizophrenia and that he has been treated for this disease for about the past twenty years.